

EXHIBIT A

-->

FBI agent: Email evidence built the Buffalo Billion case



FBI Special Agent-In-Charge Adam Cohen who runs the FBI's Buffalo Field Office.. (Derek Gee/Buffalo News)

NEW YORK – The Buffalo Billion corruption scheme and similar ones elsewhere in the state culminated in criminal charges (<http://politicsnow.buffalonews.com/2016/09/22/nine-charged-bombshell-state-corruption-case/>) Thursday in part because the schemes' participants were so careless in their use of email to spell out their plans, the top FBI official in Buffalo said in an exclusive interview Thursday.

“They made our jobs a bit easier by putting a lot of details in their emails amongst each other, probably assuming that nobody would be looking at them,” said Adam Cohen, special agent in charge of the Buffalo office of the FBI.

EXHIBIT A

[A chronology of the Buffalo Billion and the federal probe into it]

(<http://politicsnow.buffalonews.com/chronology-buffalo-billion-federal-probe/>)

Much of the evidence in the criminal complaint filed Thursday involves email communications between allies of Gov. Andrew M. Cuomo and businessmen involved in the Buffalo Billion's RiverBend project, a Syracuse development project and an Orange County power plant.

Cohen said FBI agents obtained those emails through search warrants obtained from a federal judge.

"We had to show the judge probable cause, that there was evidence of a crime in there," Cohen said. "And sure enough, there is."

For example, the emails reveal that two former top aides to Gov. Andrew M. Cuomo – Joseph Percoco and Todd Howe – referred to bribe money as "ziti," just as characters in "The Sopranos" did.

"It was sort of a joke for them, to some degree, and they were not afraid to put forth a lot of the details about what they were doing in their emails to each other," Cohen said.

The Buffalo FBI office led the criminal investigation, "all aspects of it," Cohen said.

That happened because of the good working relationship the Buffalo office developed over time with the office of Preet Bharara, the corruption-busting U.S. attorney for the Southern District of New York.

[Cuomo on corruption charges: "I am saddened and profoundly disappointed"]

(<http://politicsnow.buffalonews.com/2016/09/22/gov-cuomo-just-put-statement-charges-albany-pay-play-corruption-scandal/>)

Cohen and Maureen Dempsey, a spokesperson for the FBI in Buffalo, said the two offices developed a strong working relationship on another case – one in which no charges have been filed yet. The FBI officials declined to say whether that case, like the one announced on Thursday, involves public corruption.

But Cohen went out of his way to praise his office's public corruption unit. Investigators Rob Gross and Gary Jensen led the investigation that led to the indictments Bharara announced Thursday.

Both of them, along with several others who worked on the case, are Buffalo-area natives who are especially dogged in the pursuit of public corruption cases, Cohen said.

"We have about five guys who have worked this type of investigation for a number of years," Cohen said. "They're very experienced, and the professional staffers who work with them are just top notch."

What they produced in this case, Cohen said, was evidence of a broad-based set of schemes that violated the public trust.

"Things were expected, things were provided, and things were given back in exchange for all of that," he said. "So it's very much a pay for play or a quid pro quo. And it wasn't just one limited project. It was multiple projects."

[Bob McCarthy: How will corruption charges affect Cuomo's future?]

(<http://politicsnow.buffalonews.com/2016/09/22/will-corruption-charges-affect-cuomos-future/>)

The investigation led to charges against nine individuals, including Buffalo developer Louis Ciminelli and two of his aides, as well as state development guru Alain Kaloyeros, Percoco and Howe.

But Cohen also highlighted those who weren't charged – such as anyone connected with SolarCity, the solar panel manufacturer that will occupy the RiverBend development.

"They're not implicated in anything by any means," he said. "It was the construction of the building that they will occupy" that led to the charges stemming from Buffalo.

In addition, "the complaint clearly does not mention the governor, so I think that's the bottom line for that," Cohen said.

email: jzremski@buffnews.com (<mailto:jzremski@buffnews.com>)

RELATED COVERAGE:

How will corruption charges affect Cuomo's future?

(<http://politicsnow.buffalonews.com/2016/09/22/will-corruption-charges-affect-cuomos-future/>)

A chronology of the Buffalo Billion and the federal probe into it (<http://A chronology of the Buffalo Billion and the federal probe into it>)

Albany corruption: Major misdeeds by New York State officials
(<http://galleries.buffalonews.com/default.aspx?id=5350#/5>)

GALLERY: Feds charge Ciminelli and executives

(<http://galleries.buffalonews.com/default.aspx?id=6959#/0>)

Corruption charges won't sink the Buffalo Billion

(<http://www.buffalonews.com/columns/david-robinson/corruption-charges-wont-sink-the-buffalo-billion-20160922>)

Bombshell criminal charges lay out 'pay to play' culture in New York

(<http://politicsnow.buffalonews.com/2016/09/22/nine-charged-bombshell-state-corruption-case/>)

Key excerpts from the criminal complaint against Ciminelli, Percoco, Kaloyerros

(<http://politicsnow.buffalonews.com/2016/09/22/key-excerpts-criminal-complaint-ciminelli-percoco-kaloyerros/>)

Erie County executive bristles at 'bribe' charge over road project

(<http://www.buffalonews.com/city-region/erie-county-politics/erie-county-executive-bristles-at-bribe-charge-over-road-project-20160922>)

A guide to political corruption probes in New York State

(<http://live.buffalonews.com/2016/05/07/guide-political-corruption-probes-new-york-state/>)

Why RiverBend required a company with 50 years experience – and then retracted it

(<http://politicsnow.buffalonews.com/2016/09/22/riverbend-required-company-50-years-experience-retracted/>)

Complaint: Cuomo aide pressures company for \$7,500-a-month no-show job for his wife

(<http://politicsnow.buffalonews.com/2016/09/22/cuomo-aide-pressures-company-gets-wife-7500-month-no-show-job/>)

The \$279 lunch, the private jet and the fishing trip that lured the governor's aide

(<http://politicsnow.buffalonews.com/2016/09/22/279-lunch-private-jet-fishing-trip-lured-governors-aide/>)

Frank Ciminelli II on pay-to-play charges: "We are confident everyone will be

vindicated" (<http://politicsnow.buffalonews.com/2016/09/22/frank-ciminelli-ii-pay-play-charges-confident-everyone-will-vindicated/>)

Cuomo on corruption charges: "I am saddened and profoundly

disappointed" (<http://politicsnow.buffalonews.com/2016/09/22/gov-cuomo-just-put-statement-charges-albany-pay-play-corruption-scandal/>)

Watch: Bob McCarthy and Dan Herbeck discuss Albany corruption charges

(<http://politicsnow.buffalonews.com/2016/09/22/watch-bob-mccarthy-dan-herbeck-discuss-albany-corruption-charges/>)

Ciminelli, two execs charged with bribery, bid rigging

(<http://politicsnow.buffalonews.com/2016/09/22/louis-ciminelli-appears-federal-court-answer-bribery-bid-rigging-charges/>)

'Ziti' was code for bribes in messages between corruption case players

(<http://politicsnow.buffalonews.com/2016/09/22/ziti-code-bribes-messages-corruption-case-players/>)

UB: Ciminelli charges won't affect Jacobs School medical campus project

(<http://politicsnow.buffalonews.com/2016/09/22/ub-ciminelli-charges-wont-affect-jacobs-school-medical-campus-project/>)